

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA	§	
Plaintiff	§	
v.	§	CIVIL ACTION NO.
	§	
REAL PROPERTY LOCATED AT	§	
516 E. SANDYHILLS AVENUE,	§	
McALLEN, TEXAS	§	
Defendant	§	

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

Plaintiff, the United States of America, alleges upon information and belief the following:

NATURE OF ACTION

1. This civil action *in rem* is brought to enforce the provisions of:

(a) 18 U.S.C. § 981(a)(1)(A), which provides for the forfeiture of real property involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956 (money laundering) and 1957 (conducting a monetary transaction with more than \$10,000 in proceeds derived from specified unlawful activity) and property traceable to such property; and

(b) 21 U.S.C. § 881(a)(6), which provides for the forfeiture of property constituting proceeds generated by a violation of the Controlled Substances Act and property traceable to such property.

PROPERTY SUBJECT TO FORFEITURE

2. The property subject to forfeiture is real property, improvements and appurtenances, located at 516 E. Sandyhills Ave., McAllen, Texas (sometimes “defendant property”), and legally described as:

All of Lot 53, Los Villitas Subdivision, an addition to the city of McAllen, Hidalgo County, Texas, according to the map recorded in volume 45, page 107, Map Records in the office of the County Clerk of Hidalgo County, Texas.

The defendant property was transferred to Yvonne Lopez (“Lopez”) by gift deed shortly after the property was purchased in 2006 for more than \$200,000 in cash.

JURISDICTION AND VENUE

3. This Court has jurisdiction under 28 U.S.C. §§ 1345 and 1355. This court has *in rem* jurisdiction over Defendant Property under 28 U.S.C. § 1355(b). Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1) and 1395.

FACTS

4. Osiel Cardenas-Guillen was the leader of the Gulf Cartel prior to his arrest in Mexico and extradition to the United States in 2007. Jorge Eduardo Costilla Sanchez (“Costilla”) was a high-ranking member of the Gulf Cartel who assumed control over the cartel following Cardenas-Guillen’s arrest. The Gulf Cartel is a drug organization responsible for the importation and distribution of thousands of kilograms of cocaine and marijuana in the United States. Costilla

was arrested by Mexican authorities in Tampico, Tamaulipas, Mexico in September 2012.

5. Costilla has been indicted in the Southern District of Texas and charged with drug-related offenses.

6. Law enforcement has learned that Lopez was Costilla's girlfriend. In 2014, Lopez reported the theft of hundreds of thousands of dollars in gifts she stated she received from her boyfriend. Lopez has been associated with Costilla since about 2006. Lopez has no known legitimate source of income to account for the real and personal property titled in her name.

7. The defendant property was transferred from Maria Barrera (Barrera) to Lopez by gift deed. Barrera purchased the Sandyhills property in June 2006 and transferred the property to Lopez in August 2006. Barrera paid \$202,500.00 in cash for the defendant property. Lopez does not live at the Sandyhills property. Since 2006, Lopez has paid cash for the property taxes for real property titled in her name, including the defendant property.

8. Lopez has crossed into Mexico hundreds of times since 2007. Lopez and Barrera's sister have crossed into Mexico together. Barrera's sister is related to Mario Ramirez Trevino, a high ranking member of the Gulf Cartel who assumed control of the cartel after Costilla's arrest.

9. The defendant property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(A) and 21 U.S.C. § 881(a)(6).

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Fed.R.Civ.P. 12 must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this complaint.

WHEREFORE, the United States of America requests that the defendant property be forfeited to the United States and requests such other and further relief

to which the United States of America may be entitled.

Respectfully Submitted,

KENNETH MAGIDSON
United States Attorney
Southern District of Texas

/s/ Angel Castro
Angel Castro
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/s/ Susan Kempner
Susan Kempner
Assistant United States Attorney

VERIFICATION

I, Charles Kerby, a Special Agent with Homeland Security Investigations (HSI) in Brownsville, Texas, hereby declare under penalty of perjury that I am one of the agents responsible for the investigation concerning this litigation. I have read the above Complaint for Forfeiture. Based upon the investigation conducted by myself and other agents of the Department of Homeland Security, Homeland Security Investigations (HSI) of which I have knowledge, the facts contained in the Complaint for Forfeiture, paragraphs 4-8, are true and correct to the best of my knowledge and belief.


Charles Kerby, Special Agent, HSI

Sworn and subscribed before me, the undersigned authority on this 4th day of November 2014.



Martha D. Infante
Notary Public for the State of Texas